IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Dettinger et al.	§	Filed: October 2, 2003
	§	Group Art Unit: 2168
Serial No.: 10/677,472	§	
	§	Examiner: Jay A. Morrison
Confirmation No.: 8488	§	

For: DYNAMIC QUERY BUILDING BASED ON THE DESIRED NUMBER OF RESULTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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May 26, 2009	/Sanjay Shenoy/
Date	Sanjay Shenoy

Dear Sir:

REQUEST FOR RECONSIDERATION

Applicants respectfully request reconsideration of the Decision on Appeal mailed by the Board on March 25, 2009, for the reasons discussed below. This request is filed by the due date of May 26, 2009. Please charge any fee due for this request to Deposit Account No. 09-0465 / ROC920030173US1.

The Board held that the virtual sources and binding plans of *Olson et. al.*, U.S. Pub No. 2001/0016843, (hereinafter *Olson*) are analogous to the logical fields and access methods, as claimed. See Decision on Appeal, Analysis of Issue 1, pages 10-11. Applicants have reviewed this decision and submit that the Board's decision is based on the erroneous suggestion by the Examiner that the binding plans are a part of the virtual sources in *Olson*. Respectfully, Applicants submit that the virtual sources and the binding plans of *Olson* are separate and distinct entities. For example, *Olson* states that:

> Using the Designer, the query designer constructs a "virtual" query using "virtual" sources. Then binding plans are attached and the query is executed in the context of a particular binding plan. In Cerebellum, binding plans enable the logical design of queries and sources to be done independently of the details of the underlying physical sources. See *Olson*, Paragraph [0083] (emphasis added).

In other words, *Olson* explicitly states that the virtual sources of *Olson* are independent entities that are unconnected to the physical sources. A query designer can therefore design virtual queries using the virtual sources without considering a physical source against which the query will be run. After the virtual query has been composed, a binding plan is attached to the query. See *Id*. The binding plan maps the virtual sources to physical sources. See *Olson*, paragraph [0082].

Applicants' claims, on the other hand, explicitly state that logical fields are defined to include an access method describing a manner of accessing a corresponding respective physical field. In other words, in contrast to *Olson*, where the virtual sources and binding plans are separate and distinct from each other, Applicants claim that an access method is a part of a logical field definition. Therefore, Olson does not disclose the logical fields and access methods, as claimed.

In fact, Applicants submit that because separation of virtual sources from the physical sources is highly desired, *Olson* teaches away from including the binding plans within the definitions of the virtual sources. For example, if the binding plans were included in the definitions of the virtual sources, *Olson* would no longer be able to split query processing into parallel tasks "where one group sets up and maintains the actual physical database (schema designs, allocation of memory, index building), and another group works on building virtual queries." See *Olson*, paragraph [0084]. Therefore, Applicants respectfully submit that the logical fields and the access methods, as claimed, are not the same as the virtual sources and binding plans of *Olson*.

Furthermore, regarding claim 12 and the claims that depend therefrom, the combination of *Olson* and *Chu*, U.S. Patent No. 5,959,707 (hereinafter *Chu*), does not disclose manipulating an abstract query to produce a modified abstract query, wherein the manipulation is, at least in part, defined by the modification parameter. Applicants respectfully submit that the Examiner's citations in column 4, lines 36-43 of *Chu* only disclose that a relaxation engine relaxes query conditions by utilizing a Type Abstraction Hierarchy (TAH) structure. Exemplary TAHs are disclosed in Figures 3 and 5 of *Chu*. Applicants respectfully submit that relaxing query conditions using a TAH structure is not the same as manipulating an abstract query based, at least in part, on a modification parameter. Moreover, *Chu* and *Olson* fail to disclose that the modification parameter is included as a part of a logical field definition.

Therefore, Applicants submit that *Olson* and *Chu* do not disclose manipulating an abstract query to produce a modified abstract query, wherein the manipulation is, at least in part, defined by the modification parameter.

Having reviewed the Board's Opinion, and having demonstrated grounds for patentability, Applicants respectfully request reconsideration of the decision and reversal of the rejection of the claims.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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